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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,787	11/19/2003	Jesse D. Crum	WK/2003-14/US	6153

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EXAMINER

THOMPSON, CAMIE S

ART UNIT PAPER NUMBER

1774

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,787

Applicant(s)

CRUM, JESSE D.

Examiner

Camie S. Thompson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/9/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 10 are rendered indefinite because it is unclear as to whether the claims are drawn to a printed/imaged product or a coating. The preamble for the claims 1 and 10 recite a coating. However, claims 1 and 10 recite a substrate with a coating.

Claims 3 and 11 are rendered indefinite because it is unclear as to what the phrase "information handling material" refers.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al., U.S. Patent Number 4,079,025.

Art Unit: 1774

Young discloses starch compositions that can be used for intaglio printing, off-set printing and silk screen printing (see column 19, lines 1-40). Additionally, the reference discloses that the starch compositions are adapted for use in the manufacture of decorative articles and coated onto substrates such as cellulose (see column 19, lines 1-10). Young also discloses that the starch compositions may be formulated with a broad range of natural and synthetic polymeric film-forming additives such as rosin, shellac and carnauba wax (all of which can be varnishes) as per the instant claims (see column 17, line 48-column 18, line 17). Column 4, lines 55-68 of the reference discloses that the starch portion of the composition can be derived from tapioca, corn, high amylase starches, maize, wheat rice, sorghum and amylase fractions as per instant claims 2, 6-7 and 14. Column 12, lines 36-54 of the reference disclose that the starch content to coating content has a ratio of 5:1 to 9:1 as per instant claims 8-9 and 12.

5. Claims 1-5, 10-11, 13-15, 17, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Spector, U.S. Patent Number 5,951,057.

Spector discloses a greeting card that has a printed message that includes an image. Also, the reference discloses that the decal section of the greeting card is coated with a water-soluble adhesive layer which can be starch based (see column 4, lines 9-14).

6. Claims 24-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al., U.S. Patent Number 5,217,791.


The Fujita reference discloses a printed film sheet that has an image printed on a transparent film sheet. Additionally, the reference discloses that the film sheet is provided with a coating composition (see column 2, lines 10-22). Column 5, lines 24-62 of the Fujita reference discloses that the adhesives contained in the coating composition can include esterified starches. Column

Art Unit: 1774

7, lines 31-41 of the reference discloses that the printed film sheet has sufficient gloss as printed matter and offers a satisfactory attraction as an advertisement. Claims 27 and 31 are product-by-process claims. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process. See MPEP 2113. The manner in which the substrate (marketing collateral) is prepared does not make the printed film sheet of the Fujita reference different from the printed sheet of the instant invention.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 7/8/05